



January 27, 1999

## HOUSE BILL No. 1060

DIGEST OF HB1060 (Updated January 20, 1999 2:15 pm - DI 02)

**Citations Affected:** IC 20-10.1.

**Synopsis:** Canceled school day waiver. Requires the department of education to grant a waiver for a number of school days canceled by a school superintendent for inclement weather or extraordinary circumstances. Provides a formula to determine the number of days eligible for mandatory waiver that is based on the number of actual instructional minutes provided to students and maintains the equivalent in hours of the 180 student instructional days required by law. (This mandatory waiver is in addition to a waiver that the department of education currently has the option to grant.)

**Effective:** Upon passage.

**Denbo, Ruppel, Oxley**

January 6, 1999, read first time and referred to Committee on Education.  
January 26, 1999, reported — Do Pass.

HB 1060—LS 6352/DI 2+



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January 27, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1060

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-10.1-2-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A school year  
3 is the period of time beginning after June 30 of each year and ending  
4 before July 1 of the following year, except when a different period is  
5 specified for a particular purpose.  
6 (b) A student instructional day in grades 1 through 6 consists of a  
7 minimum of five (5) hours of instructional time. A student instructional  
8 day in grades 7 through 12 consists of a minimum of six (6) hours of  
9 instructional time. For purposes of this section, instructional time is  
10 time in which students are participating in an approved course,  
11 curriculum, or educationally related activity under the direction of a  
12 teacher, including a reasonable amount of passing time between  
13 classes. However, instructional time does not include lunch or recess.  
14 (c) ~~For the 1987-88 school year, each school corporation shall~~  
15 ~~conduct at least one hundred seventy-five (175) student instructional~~  
16 ~~days. For the 1988-89 school year and Each school year, after that, each~~  
17 ~~school corporation shall do the following:~~

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(1) conduct at least one hundred eighty (180) student instructional days; or

(2) for a school corporation that is eligible for a waiver under section 1.5 of this chapter, conduct the equivalent in hours of one hundred eighty (180) student instructional days as determined under section 1.5 of this chapter.

No later than June 15 of each school year, the superintendent of each school corporation shall certify to the department the number of student instructional days conducted during that school year.

(d) If a school corporation fails to conduct the minimum number of student instructional days during a school year as required under subsection (c), the department shall reduce the August tuition support distribution to that school corporation by an amount determined as follows:

(1) For the 1987-88 school year, the amount determined under STEP THREE of the following formula:

STEP ONE: Divide the amount of the total tuition support allocated to the school corporation for the 1987-88 school year by one hundred seventy-five (175):

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred seventy-five (175):

STEP THREE: Multiply the amount determined under STEP ONE by the amount determined under STEP TWO:

(2) For the 1988-89 school year and each school year after that, the amount determined under STEP NINE of the following formula:

STEP ONE: Determine the remainder of:

(A) the amount of the total tuition support allocated to the school corporation for the particular school year; minus

(B) that part of the total tuition support allocated to the school corporation for that school year with respect to student instructional days one hundred seventy-six (176) through one hundred eighty (180).

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred eighty (180).

STEP THREE: Determine the lesser of five (5) or the remainder determined under STEP TWO.

STEP FOUR: Divide the amount subtracted under STEP ONE(B) by five (5).

STEP FIVE: Multiply the quotient determined under STEP



FOUR by the number determined under STEP THREE.

STEP SIX: Subtract the number determined under STEP THREE from the remainder determined under STEP TWO.

STEP SEVEN: Divide the remainder determined under STEP ONE by one hundred seventy-five (175).

STEP EIGHT: Multiply the quotient determined under STEP SEVEN by the remainder determined under STEP SIX.

STEP NINE: Add the product determined under STEP FIVE to the product determined under STEP EIGHT.

(e) The department may grant a waiver of the penalty imposed under subsection (d) for a particular number of cancelled student instructional days if:

(1) the school corporation applies to the department for a waiver of the penalty imposed under subsection (d) for a specific number of cancelled student instructional days; and

(2) each of the particular number of student instructional days requested to be waived under this subsection was cancelled due to extraordinary circumstances.

(f) The department shall develop guidelines for school corporations to apply for a waiver under subsection (e).

SECTION 2. IC 20-10.1-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) As used in this section, "canceled day" refers to a student instructional day actually canceled during a school year by the superintendent of a school corporation due to:**

(1) inclement weather; or

(2) extraordinary circumstances;

**affecting the operation of a school within the school corporation or the school corporation in general, as determined by the superintendent of the school corporation.**

**(b) This section maintains the equivalent in hours of the one hundred eighty (180) student instructional days required by section 1(c) of this chapter.**

**(c) For a grade 1 through grade 6 school within a school corporation, the department shall grant a waiver of the penalty imposed under section 1(d) of this chapter for the number of canceled days equivalent to the remainder determined under STEP FOUR of the following formula:**

**STEP ONE: Determine the actual number of student instructional minutes that the school will provide in the school year.**



**STEP TWO:** Determine the number of equivalent instructional hours by dividing the number of minutes determined under STEP ONE by sixty (60).

**STEP THREE:** Determine the number of equivalent five (5) hour instructional days by dividing the quotient determined under STEP TWO by five (5).

**STEP FOUR:** Determine the excess equivalent instructional days by subtracting one hundred eighty (180) from the quotient determined under STEP THREE.

(d) For a grade 7 through grade 12 school within a school corporation, the department shall grant a waiver of the penalty imposed under section 1(d) of this chapter for a number of canceled days equivalent to the remainder determined under STEP FOUR of the following formula:

**STEP ONE:** Determine the actual number of student instructional minutes that the school will provide in the school year.

**STEP TWO:** Determine the number of equivalent instructional hours by dividing the number of minutes determined under STEP ONE by sixty (60).

**STEP THREE:** Determine the number of equivalent six (6) hour instructional days by dividing the quotient determined under STEP TWO by six (6).

**STEP FOUR:** Determine the excess equivalent instructional days by subtracting one hundred eighty (180) from the quotient determined under STEP THREE.

(e) For a school corporation in general, the department shall grant a waiver of the penalty imposed under section 1(d) of this chapter for a number of canceled days equivalent to the quotient determined under STEP TEN of the following formula:

**STEP ONE:** Determine the number of student instructional minutes that the school corporation will provide in the school year for an average student in grades 1 through 6.

**STEP TWO:** Determine the number of equivalent instructional hours in grades 1 through 6 by dividing the number of minutes determined under STEP ONE by sixty (60).

**STEP THREE:** Determine the number of equivalent five (5) hour instructional days in grades 1 through 6 by dividing the quotient determined under STEP TWO by five (5).

**STEP FOUR:** Determine the excess equivalent instructional days in grades 1 through 6 by subtracting one hundred eighty



(180) from the quotient determined under STEP THREE.

**STEP FIVE:** Determine the number of student instructional minutes that the school corporation will provide in the school year for an average student in grades 7 through 12.

**STEP SIX:** Determine the number of equivalent instructional hours in grades 7 through 12 by dividing the number of minutes determined under STEP FIVE by sixty (60).

**STEP SEVEN:** Determine the number of equivalent six (6) hour instructional days in grades 7 through 12 by dividing the quotient determined under STEP SIX by six (6).

**STEP EIGHT:** Determine the excess equivalent instructional days in grades 7 through 12 by subtracting one hundred eighty (180) from the quotient determined under STEP SEVEN.

**STEP NINE:** Add the remainder determined under STEP FOUR for grades 1 through 6 to the remainder determined under STEP EIGHT for grades 7 through 12.

**STEP TEN:** Divide the sum determined under STEP NINE by two (2).

(f) A waiver for canceled days that is provided under this section is in addition to any waivers that may be granted under section 1(e) of this chapter for canceled days.

SECTION 3. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1060, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 7, nays 6.

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